IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION

In re:) Case No. 99-13967-8B1
·) Case No. 33-13307-0D1
GREATER MINISTRIES)
INTERNATIONAL, INC.,) In Proceedings Under
) Chapter 11 of the United
) States Bankruptcy Code
Debtor.)
) Judge Thomas E. Baynes, Jr.
•)

ORDER AND NOTICE FIXING BAR DATE FOR FILING PROOFS OF CLAIM, PROOFS OF INTEREST AND CERTAIN ADMINISTRATIVE CLAIMS, APPROVING NOTICE OF BAR DATE, APPROVING PROOF OF CLAIM FORM, FORM OF QUESTIONS RELATING TO CLAIMS AND INSTRUCTIONS, AND APPROVING MAILING AND NOTIFICATION PROCEDURES

On January 2, 2001, Kevin O'Halloran, Chapter 11 Trustee (the "Trustee") for the Debtor Greater Ministries International, Inc. (the "Debtor"), filed a Motion (the "Motion") requesting the Court to enter an Order fixing March 30, 2001, 4:00 p.m. (Eastern Time) as the bar date for all creditors, equity interest holders and certain administrative claimants to file proofs of claims, proofs of interest and applications for administrative claims against the Debtor. Upon consideration of the Motion, and it appearing that (i) establishing a date by which claims and interests must be asserted against the Debtor or be forever barred in accordance with the authority granted to this Court by title 11 of the United States Bankruptcy Code (the "Bankruptcy Code") and the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") is necessary for the prompt and efficient administration of this Chapter 11 case and to protect the interests of the Debtor, its estate, creditors, equity interest holders and other parties in interest, (ii) modifying Official Form No. 10 is necessary to enable the Trustee to identify those persons and entities entitled to receive a distribution from the

Debtor's bankruptcy estate, (iii) the proof of claim form and instructions are necessary to enable the Trustee to identify the Debtor's creditors and are sufficient to advise these creditors how to properly file a proof of claim, and (iv) notification of the relief granted by this Order in the manner proposed by the Trustee, as set forth herein, is fair and reasonable and will provide good, sufficient and proper notice to all creditors and equity interest holders of their rights and obligations in connection with claims or interests they may have against or in the Debtor in this Chapter 11 case; and due and sufficient notice of the Motion having been given to the Office of the United States Trustee, the Official Committee of Unsecured Creditors, all parties on the certificate of service attached to the Motion, and to all persons who have previously filed notices of appearance in this case, and it appearing that no other or further notice need be given; and after due deliberation and sufficient cause appearing therefore, it is hereby

ORDER, ADJUDGED AND DECREED that,

1. The Motion is hereby GRANTED. All creditors, interest holders and administrative claimants except those persons and entities described in Paragraph 4 below, who have or assert, or may have or may assert, any Claim (as defined in Paragraph 2 below) against the Debtor that arose prior to or after August 26, 1999 (the "Petition Date") or pursuant to the rejection of an executory contract or unexpired lease must complete and file a proof of claim form, proof of interest or application for an administrative claim, so as to be received on or before March 30, 2001, 4:00 p.m. Eastern Time (the "Bar Date") by the Clerk, United States Bankruptcy Court, Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida 33602. To be filed in accordance with this Order, each proof of claim and proof of interest shall (i) be written in the English language, (ii) be legible, (iii) be denominated in lawful currency of the United States, and (iv) be submitted on the modified proof of claim form attached to the Motion or on a form

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substantially similar to Official Form No. 10 (the "Proof of Claim Form"). An application for an administrative claim need not be submitted on the Proof of Claim Form. The proofs of claim, proofs of interest and applications for administrative claims will be deemed timely filed only if actually received by the Court on or before the Bar Date. Proofs of claim, proofs of interest or applications for administrative claims sent by facsimile or telecopy shall not be deemed properly filed.

- 2. For purposes of this Order and Notice, the term "Claim" shall mean
 - (a) a right to payment whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured or;
 - (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured;
 - (c) any and all priority claims;
 - (d) any and all claims arising from the rejection of unexpired leases and executory contracts; and
 - (e) all administrative claims of the kind set forth in Section 503(b) or Section 365(d)(3) of the Bankruptcy Code, including any actual or necessary expense of preserving the estate, any compensation or reimbursement allowable under Section 330(a) or 331 of the Bankruptcy Code, and all fees and charges assessed against the estate pursuant to Chapter 123 of Title 28, United States Code (but excluding the claims for compensation or reimbursement by the Trustee and any professional retained by the Trustee whose retention has been approved by the Court).
- 3. On October 15, 1999, the Trustee filed the Debtor's Schedules of Assets and Liabilities, Statement of Financial Affairs and Statement of Executory Contracts (collectively, the "Schedules"). The Schedules are subject to amendment. Section 1111(a) of the Bankruptcy Code provides that a proof of claim is deemed filed for any Claim which appears in the Schedules, except a claim that is scheduled as disputed, contingent or unliquidated.

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- 4. Any creditor, equity interest holder or administrative claimant who is required to file a proof of claim, proof of interest or application for an administrative claim but fails to do so on or before the Bar Date shall be forever barred, estopped and enjoined from (i) asserting any Claim that such creditor possesses against the Debtor and (ii) voting upon, or receiving distributions under, any plan of liquidation for the Debtor. The Bar Date applies to each and every creditor (whether general unsecured, priority on secured status), interest holder and administrative claimant, but does not apply to the following creditors, equity interest holders or administrative claimants, who need not file a proof of claim, proof of interest or application for administrative claim by the Bar Date:
 - (a) Any person or entity who already has filed with the Court a proper proof of claim, proof of interest or application for an administrative claim;
 - (b) Any person or entity (i) whose claim is not listed as "disputed," "contingent" or "unliquidated" in the Schedules and (ii) who agrees with the classification and amount set forth in the Schedules;
 - (c) Any person or entity whose Claim has previously been allowed by Order of this Court; and
 - (d) The Trustee, any professional retained by the Trustee whose retention has been approved by the Court, the members of the Official Committee of Unsecured Creditors (the "Committee") and any professional retained by the Committee whose retention has been approved by the Court.
- 5. Any person or entity (except those identified in Paragraph 4 above) whose Claim (i) is not listed in the Schedules, (ii) is listed in an incorrect amount or (iii) is listed as disputed, contingent or unliquidated on the Schedules and who desires to participate in this case and share in any distribution, must file a proof of claim, proof of interest or application for an administrative claim on or before the Bar Date. If such person or entity is unsure from the Schedules whether its claim is disputed, contingent or unliquidated as to amount or otherwise properly listed, the person or entity must file a proof of claim, proof of interest or application for an administrative claim prior

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to the Bar Date. A person or entity who desires to rely on the Schedules will have the responsibility for determining that its Claim is accurately listed on the Schedules.

- 6. Any creditor whose Claim arises from the rejection of an executory contract or unexpired lease after the date of this Order, but prior to the entry of an Order by the Bankruptcy Court confirming a plan of liquidation for the Debtor, must file its claim on the Proof of Claim Form within thirty (30) days from the date of the Order rejecting the contract or lease, but in no event earlier than the Bar Date.
- 7. The modifications to Official Form No. 10 are necessary and appropriate, so that the Trustee can distinguish between those persons and entities who donated or gave money to the Debtor with no expectation of being repaid from those persons or entities who loaned money to or invested money in the Debtor with an expectation of being repaid or receiving a return on their investment.
- 8. The modified proof of claim form (a copy of which is attached to this Order as Exhibit A) is hereby approved in all respects as complying with Bankruptcy Rule 3001 and as fairly and adequately appraising the Debtor's creditors of their responsibility in preparing and filing a timely proof of claim. Such proof of claim form shall be mailed to all known holders of Claims against and interests in the Debtor and to any other persons or entities the Trustee identifies as having a potential Claim against the Debtor.
- 9. The questions to be served by the Trustee on each person who already has filed a proof of claim against the Debtor (a copy of which, as modified, is attached to this Order as Exhibit B) are approved as necessary and appropriate under the circumstances. Each such creditor shall respond fully to these questions and file the responses with the Court by the Bar Date. The failure

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to respond fully to these questions or to file the responses by the Bar Date shall be a basis for the Trustee to object to such creditor's claim.

- 10. Notice of the entry of this Order and the fixing of the Bar Date (in a form substantially similar to the notice attached to this Order as Exhibit C) (the "Bar Date Notice"), which Bar Date Notice is hereby approved in all respects as complying with Bankruptcy Rule 2002(a)(7), shall be deemed good, adequate and sufficient notice if it is served by United States Mail, first class postage pre-paid, on or before the fifteenth (15th) business day after this Order is entered, upon the following:
 - (a) The Office of the United States Trustee;
 - (b) All known holders of Claims listed on the Debtor's Schedules at the addresses stated therein;
 - (c) All known holders of interests in the Debtor;
 - (d) The Internal Revenue Service and all other necessary government entities;
 - (e) All persons and entities requesting notice pursuant to Bankruptcy Rule 2002 as of the entry of this Order, to the extent that such notices have been docketed as of the date of the entry of this Order; and
 - (f) Any other persons or entities that the Trustee identifies as having a potential Claim against the Debtor.
- 11. In addition to mailing the Bar Date Notices and the Proof of Claim Form as directed in paragraph 9 of this Order, the Trustee shall publish a notice of the Bar Date (the "Publication Notice") in <u>USA Today</u>. The Publication Notice shall include a telephone number that creditors and parties in interest may call to obtain copies of the Proof of Claim Form and information concerning the procedure for filing proofs of claim. The Publication Notice shall be run at **least** once and shall be published as soon as reasonably possible but in no event later than the fifteenth (15th) business day after this Order is entered. In consultation with the Committee and its counsel, the Trustee shall

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determine whether to publish the Publication Notice in local or regional newspapers circulated in areas where a significant number of the Debtor's creditors reside. If the Trustee decides to publish the Publication Notice in any such local newspaper, such publication shall be made no later than the fifteenth (15th) business day after this Order is entered.

- Today, and in such other local or regional newspaper as the Trustee, in consultation with the Committee and its counsel, may select, and concludes that this publication is good, adequate and sufficient notice of the Bar Date to unknown creditors of the Debtor.
- 13. In addition to the Trustee's publication of notice of the bar date, the Clerk of the Court promptly shall place notice of the bar date (including a telephone number that creditors and parties in interest may call to obtain copies of the Proof of Claim Form and information concerning the procedure for filing proofs of claim) on the Court's website for this case.
- 14. The entry of this Order is without prejudice to the right of the Trustee or any other party in interest to seek a further Order of the Court fixing the date by which a holder of a Claim not subject to the Bar Date must file a proof of such Claim or be forever barred from voting upon any plan of liquidation for the Debtor, from receiving any payment or distribution of property from the Debtor or its successors or assigns with respect to such Claim and from asserting such Claim against the Debtor.

IT IS SO ORDERED, this 26thday of _____, 2001.

The Honorable Thomas E. Baynes, United States Bankruptcy Judge

[Signatures on the following page]

Prepared and presented by:

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Bv:

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c:

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*Attorney for Trustee (Local Counsel): Zala L. Forizs, Esq., 600 N. Westshore Blvd., Suite 502, Tampa, Florida 33609

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Attorney For Creditors Committee: Roberta A. Colton, Esq., P.O. Box 1102, Tampa, Florida 33601-1102

U.S. Trustee, Benjamin Lambers, Esq., 501 E. Polk Street, 1200 Timberlake Annex, Tampa, Florida 33602

*Upon receipt of the conformed copy of this Order, Zala L. Forizs, Esquire, will forward a copy to all parties as outlined and file a separate Certificate of Mailing with this Court.

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